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THE ANDHRA PRADESH GAZETTE

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NOTIFICATIONS BY GOVERNMENT

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REVENUE DEPARTMENT

(Village Administration)

ANDHRA PRADESH PART-TIME ASSISTANTS SERVICE RULES.

[G.O.Ms. No. 626, Revenue (VILLAGE ADMINISTRATION), 23rd June, 2009.]

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Andhra Pradesh hereby makes the following rules regulating the recruitment and conditions of service of Part-time Assistants for the entire State of Andhra Pradesh:

1. Short Title:

- 1) These rules shall be called the Andhra Pradesh Part-time Assistants Service Rules, 2009
- 2) These rules shall extend to the whole of the State of Andhra Pradesh.
- 3) These Rules shall be deemed to have come into force with effect 1st January 2002.

2. Constitution:

The service shall consist of the existing posts of Part-time Assistants in Revenue Department.

3. Duties & Responsibilities:

The duties and responsibilities of the Part-time Assistants shall be as entrusted by the Tahsildars, Revenue Divisional Officers and District Collector.

4. Payment of Salaries:

They shall be paid a fixed monthly honorarium as determined by the Government from time to time. The honorarium shall be paid from the Treasury.

5. Sanction of Leave:

No Part-time Assistant shall be entitled to any emoluments or other allowances, when they are on leave other than casual leave. There is no provision of Medical Leave / Earned Leave. Extra-ordinary leave without honorarium can be granted by the appointing authority i.e., District Collector.

They are eligible for (15) days of Casual Leaves and (5) Optional Holidays during a calendar year. The Tahsildar shall be competent to sanction Casual Leave / Optional Holidays to the Part-time Assistants.

6. Method of Appointment:

The existing Part-time Assistants will continue till their retirement only and afterwards the vacancies will be filled up only as per the Village Revenue Officers Service Rules under which only full time Village Revenue Officers will be recruited. No fresh recruitment will be done to fill up the post of Part-time Assistant.

7. Transferring authority:

The District Collector shall be the transferring authority.

8. Age of superannuation:

The age of superannuation of the Part-time Assistants shall be Sixty two (62) years.

9. Gratuity:

Gratuity shall be paid @ one month honorarium for every completed year of service subject to a maximum of twenty (20) months honorarium to a Part-time Assistant on attaining the age of superannuation of 62 years or in case of death which ever is earlier.

10. Group Insurance:

The Group Insurance Scheme shall be extended to Part-time Assistants under which Rs.15/- shall be deducted from their monthly honorarium.

11. Disciplinary matters:

(1) Imposition of fine by Collector:- The District Collector may 'suo-moto' or on a complaint make an enquiry and impose fine on any Part-time Assistant for good and sufficient reason not exceeding an amount as the Commissioner may by general or special order, specify.

(2) Power of District Collector to punish Part-time Assistant:- The District Collector or any superior authority may 'suo-moto' or on a complaint conduct an enquiry and suspend, remove or dismiss any Part-time Assistant for misconduct or negligence of duty or for non-residence in the village or for conviction in a criminal case which in his opinion disqualifies him from holding the office or for any other sufficient cause.

(3) Opportunity to be given before a Part-time Assistant is fined:- No order imposing fine on a Part-time Assistant shall be passed except after he is informed of the action proposed to be taken against him and of the allegation on which the action is proposed to be taken and he is given an opportunity to make any representation, which he may wish to make and such representation, if any, is taken into consideration by the authority competent to impose the fine. The said authority shall make a record of its reasons for passing said order.

(4) Suspension pending enquiry :- (a) An officer competent to suspend a Part-time Assistant as a measure of punishment may also place under suspension such a Part-time Assistant from service pending investigation or enquiry into grave charges, or where a case against Part-time Assistant in respect of any criminal offence is under investigation or trial, if he is satisfied that the continuance in office of Part-time Assistant is detrimental to public interest or administration and he shall make a record in writing of his reasons for so doing and a copy of the same shall be furnished to the Part-time Assistant concerned.

Provided that where Part-time Assistant is detained in Police / Judicial custody, whether on a criminal charge or otherwise for a period exceeding 48 hours he shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

Provided further that where a Part-time Assistant has been suspended and investigation has not been completed or the action proposed to be taken in regard to him has not been completed within the period of three months from the date of suspension, the Part-time Assistant shall be deemed to have been reinstated to duty unless the authority which ordered such suspension obtains the orders of the next higher authority to continue the said Part-time Assistant under suspension in public interest and issues an order continuing such suspension for a further period of three months. The order of the Chief Commissioner of Land Administration shall be obtained if it is necessary to continue the Part-time Assistant under suspension for a period exceeding six months. In no case such interim suspension be in force for a total period exceeding one year, except in those where criminal cases are pending trial.

(b) where a penalty of dismissal, removal from service is imposed upon a Part-time Assistant after he had been placed under suspension under Clause (a) and if such penalty is set aside in appeals under these rules and the case is remitted for further enquiry or action or with any other directions the original order of suspension pending enquiry of such Part-time Assistant shall be deemed to have continued in force until further orders of the competent authority.

(c) where a penalty of dismissal, removal from service is imposed upon a Part-time Assistant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the authority competent to impose the penalty on a consideration of the circumstances of the case, decided immediately thereafter to hold a further enquiry against him on the allegation on which the penalty was originally imposed, the Part-time Assistant shall be deemed to have been placed under suspension pending enquiry by the authority competent to impose the suspension from the date of original order of dismissal, removal or suspension from service and shall continue to remain under suspension until further orders of the competent authority.

(d) An order of suspension made under this rule may at any time be revoked by the authority, which made the order or by any authority to which that authority is subordinate.

12. Procedure for enquiry:

(1) The enquiry before imposition of any of the penalties other than fine against a Part-time Assistant shall be made in the manner hereinafter provided.

The grounds on which it is proposed to take action against a Part-time Assistant shall be reduced to the form of definite charge or charges which shall be communicated to him and he shall be required to appear on a day to be fixed, before the enquiry officer to answer the charge or charges. On that day, the Part-time Assistant shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry. An oral enquiry shall be held if such an enquiry

is desired by the Part-time Assistant and he shall be heard in person if so desired. At such enquiry oral evidence shall be heard as to such of the allegations as or not admitted by the persons charged and he shall be entitled to cross examine the witness, to give evidence in person and to have such witnesses as he may wish to be called, provided that the officer conducting the enquiry may for reasons to be recorded in writing refuse to call any witness. After the enquiry is completed the person charged shall be entitled to put in a further written statement of his defence.

(2) The authority competent to impose the penalty shall, on consideration of the proceedings of enquiry under sub-rule(1) arrive at a provisional conclusion in regard to the punishment he proposes to impose on the Part-time Assistant and shall communicate the provisional conclusion in writing and call upon the delinquent to appear on a certain day to be fixed by him to show cause against the particular punishment proposed to be imposed. On that day, the said authority shall record his plea and hear his representation. Any representation made in this behalf by the person charged shall be duly taken into consideration before final orders are passed.

(3) An enquiry may be made in the absence of a Part-time Assistant charged when the officer holding the enquiry is satisfied that for some reason, to be recorded by him in writing, if it is not reasonably practicable to hold such enquiry.

(4) The enquiry under sub-rule (1) may be conducted by an officer not below the rank of Joint Collector or by any other officer not below the rank of District Revenue Officer specially nominated by the authority competent to impose the punishment or any other higher authority. If the officer who conducted the said enquiry is not himself competent to impose the appropriate penalty on the Part-time Assistant charged he shall submit the Record of enquiry to the authority concerned with a report containing his findings. The authority competent to impose the punishment before passing final orders shall furnish a copy of the enquiry officer's report to the delinquent along with his provisional findings.

(5) The requirements of sub-rules (1) and (2) shall not apply where it is proposed to punish a Part-time Assistant on the ground of conduct which has led to his conviction on a criminal charge.

(6) In passing orders on the cases referred to in this rule, the authority competent to impose the punishment shall briefly sum up the evidence on the several charges and record in English or in the regional language, a distinct order as to whether the charge or charges have been proved or not with a concise statement of the reasons there for and the punishment ordered.

13. Time allowed for Appeal to be indicated in the order:-

At the foot of the order concerning an appointment to a Village office or indicating punishment of dismissal, removal suspension or fine under these rules on a Part-time Assistant, the period and the authority before which an appeal may be filed shall be clearly specified and a copy of that order shall be furnished free of charge to the Part-time Assistant concerned.

14. Appeal against District Collector's order punishing a Part-time Assistant:-

Against every order passed by a District Collector inflicting any of the penalties of fine, suspension, removal or dismissal from service on a Part-time Assistant or placing such Part-time Assistant under suspension pending investigation or enquiry into the charges against him, an appeal shall lie to the Chief Commissioner of Land Administration within thirty days from the date of receipt of such order.

15. Revision Petition against an order punishing a Part-time Assistant:-

Against every order of the District Collector dismissing or removing a Part-time Assistant either in appeal or original proceeding an appeal shall lie to the Government within thirty days from the date of receipt of such order.

16. Officer passing original order cannot take up Appeal in his higher capacity:-

If the officer before whom an appeal is preferred under these rules in the capacity of District Collector happens to be the officer who passed the order appealed against in another capacity, he shall report the fact to the Chief Commissioner of Land Administration.

17. No review by an authority of its own order:-

No authority, which has passed an order under these rules shall review its own order.

18. Copy of order appealed against to accompany the Memorandum of Appeal:

The memorandum of appeal shall be accompanied by a copy of the order furnished to the petitioner or by a certified copy of such order.

19. Personal hearing of Appeal:-

(1) When an appeal is admitted under these rules appellate authority shall fix a date for the hearing of the appeal and shall give due notice thereof to the appellant.

(2) Any Part-time Assistant may in any appeal represents his case in person or he represents by any advocate or any agent nominated by him:

Provided that the appellate or revision authority may, however at any time in the course of the proceeding require that such Part-time Assistant shall be presented in person.

20. Re-hearing of an Appeal disposed of ex-parte:-

Notwithstanding any thing contained in sub rule (10) when appeal is heard ex-parte in the absence of the Part-time Assistant and decision given against him, he may apply to the appellate authority to re-hear the appeal. If he proves that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing.

21. Stay of order:-

The appellate authority may at its discretion stay the execution of any orders under these rules appealed against pending final disposal of such appeal.

22. Taking further evidence in Appeal:-

If the appellate authority considers that further evidence is necessary, it may take such evidence itself or may direct the officer whose order is appealed against to take additional evidence and to transmit the record thereof to appellate authority by a specified date

23. Summary rejection of an Appeal:-

Notwithstanding any thing contained in these rules, nothing shall prevent the appellate authority from rejecting an appeal summarily, if on a perusal thereof and after hearing the appellant, it considers that there is no sufficient ground for interference.

24. Enquiry not to be held defective or irregular:-

No enquiry shall be held to be defective or irregular merely by reason of the non-observance of all the formalities lay down in sub rule (3) unless it shall appeal to the appellate authority that the appellant has thereby been materially prejudiced.

25. Revision:-

(1) The Chief Commissioner of Land Administration or the Commissioner of Appeals may at any time either suo-moto or on an application made to him, call for and examine the record relating to any decision or order passed or proceedings taken by any authority or officer sub-ordinate to him for the purpose of satisfying himself as to the legality or propriety of such decision or order or the regularity of such proceeding and pass such order in reference thereto as he thinks fit:

Provided that the Chief Commissioner of Land Administration or Commissioner of Appeals shall not pass any order prejudicial to any person unless such person had an opportunity of making a representation.

(2) The Chief Commissioner of Land Administration or Commissioner of Appeals may stay the execution of any such decision or order or proceedings pending exercise of his power under sub rule (1) in respect thereof.

26. Review:-

(1) The Government may, either suo-motu or on an application made to them, call for and examine the records relating to any decision or order passed by the Commissioner under these rules, not being a decision or order staying the execution of any decision or order appealed from or sought to be revised for the purpose of satisfying themselves as to the legality, regularity or propriety thereof and pass such order in reference thereto as they think fit:

Provided that no application for the review of any such decision or order shall be entertained after the expiry of sixty day from the days of such decision or order.

Provided further that the Government shall not pass any order prejudicial to any person unless such person has had an opportunity of making representation.

(2) The Government may stay the execution of any such decision or order pending exercise of their power under sub rule (1) in respect thereof.

27. Procedure to be followed before enhancing punishment:-

If the appellate or revision authority under these rules proposes to enhance the penalty imposed on a Part-time Assistant to one of suspension, removal or dismissal from service and an enquiry under sub-rule-5 has not already been held in the case, such appellate or revision authority shall subject to the provisions of the Rule held such enquiry or direct such enquiry be held and thereafter on consideration Of the proceedings of such enquiry and after giving the Part-time Assistant concerned an opportunity of making representation on the penalty proposed pass such order as it may deem fit.

28. Time allowed for rectification of formal defect in preferring Appeal:-

Where an appeal which was in time on its first presentation is not admitted on technical grounds or for the correction of an initial error, the appellant shall be directed to remedy the defects within a specified period which shall ordinarily be thirty days failing which the appeal shall be liable for rejection on the ground of limitation.

29. Admission of time-barred Appeal:-

An appeal may be admitted by the appellate authority after the prescribed period if the appellant satisfied the authority that he had sufficient cause for not filling the appeal within such period.

30. The Andhra Pradesh Civil Services (Conduct) Rules etc., not to apply to Part-time Assistants:-

The provisions of the Andhra Pradesh Civil Services (Conduct) Rules 1964, the General Rules for the State and Sub-ordinate Services, the Fundamental Rules and the Pension Code Rules shall not apply to the Part-time Assistant.

G. SUDHIR,

Principal Secretary to Government.